IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

OP.No. 23876 of 2002(S)

OA.130/2002 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONERS:RESPONDENTS
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1. SUPERINTENDENT OF POST OFFICES,
VADAKARA DIVISION, VADAKARA-673 101.

2. POSTMASTER GENERAL,
NORTHERN REGIONA, CALICUT-673 011.

3. CHIEF POSTMASTER GENERAL,
KERALA CIRCLE, TRIVANDRUM-695 033.

4. DIRECTOR GENERAL OF POSTS,
DAK BHAVAN, SANSAD MARG, NEW DELHI.

5. UNION OF INDIA, REPRESENTED BY THE
SECRETARY, MINISTRY OF COMMUNICATIONS,
NEW DELHI.

BY ADV. SRI.S.KRISHNAMOORTHY

RESPONDENTS: APPLICANT
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1. K.K.GOPALAKRISHNAN,
S/O.LATE A.P.SANKARAN VAIDYAR, ACTING GROUP D,
QUILANDY HPO, RESIDING AT PUTHEIYEDATH HOUSE,
PANTHALAYAM P.O., QUILANDY.

2. THE CENTRAL ADMINISTRATIVE TRIBUNAL,
REPRESENTED BY ITS REGISTRAR,
ERNAKULAM BENCH, ERNAKULAM.

BY ADV. SRI.O.V.RADHAKRISHNAN FOR R1

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.23876/2002

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE JUDGMENT IN OP NO.25172/98 DATED 30.3.2000 OF THIS HON'BLE COURT.

EXT.P2: TRUE COPY OF THE LETTER NO.66-82/87 SPB-I DATED 20.7.2000 ISSUED BY THE DIRECTOR (STAFF) NEW DELHI.

EXT.P3: TRUE COPY OF THE LETTER NO.66-82/87 SPB-1 DATED 21.9.2000 ISSUED BY THE DIRECTOR (STAFF) NEW DELHI.

EXT.P4: TRUE COPY OF THE LETTER NO.RECTT/13-2/2000 DATED 6.10.2000 ISSUED BY THE ASST.DIRECTOR (RECTT), 3RD PETITIONER.

EXT.P5: TRUE COPY OF THE ORIGINAL APPLICATION NO.130/2002 DATED 10.2.2002 FILED BY THE 1ST RESPONDENT BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXT.P6: TRUE COPY OF THE LETTER NO.44-31/87-SPB-1 DATED 28.8.90 ISSUED BY THE 4TH PETITIONER.

EXT.P7: TRUE COPY OF THE REPLY STATEMENT IN OA NO.130/02 DATED 7.5.02 FILED BY THE 1ST PETITIONER BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXT.P8: TRUE COPY OF THE ORDER IN OA NO.130/2002 DATED 14.6.2002 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXT.P9: TRUE COPY OF THE ORDER IN OA NO.155/95 DATED 6.3.1996 OF THE HON'BLE TRIBUNAL, ERNAKULAM BENCH.

EXT.P10: TRUE COPY OF THE ORDER IN OA NO.449/98 AND 239/98 DATED 26.8.98 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXT.P11: TRUE COPY OF THE RELEVANT PORTION OF THE RECRUITMENT RULES, DATED 23.1.2002.

EXT.P9: TRUE COPY OF THE ORDER DATED 26/5/2005 IN OA NO.1033/PB/2003 OF THE CHANDIGARH BENCH OF THE TRIBUNAL (PRODUCED ALONG WITH ADDITIONAL AFFIDAVIT OF THE PETITIONERS)

EXT.P10: TRUE COPY OF THE CLARIFICATORY ORDER NO.45-28/2004-SPB-I DATED 8.12.2004 (PRODUCED ALONG WITH ADDITIONAL AFFIDAVIT OF THE PETITIONERS)

OP 23876/2002

EXHIBITS OF R1

EXT:R1(a): PHOTOCOPY OF THE ORDER NO.B2/GROUP D-ALLOTMENT/KKG DATED 20.09.2002 OF THE 1ST PETITIONER.

EXT.R1(b): PHOTOCOPY OF THE ORDER/MEMO NO.H2/GRD/APPOINTMENT DATED 20.09.2002 OF THE POSTMASTER, QUILANDI.

EXT.R1(c): PHOTOCOPY OF THE MEMO NO.EDSO/ARIKKULAM DATED 2.7.2005 OF THE INSPECTOR POSTS, KOYILANDI SUB DN. KOYILANDI.

EXT.R1(d): PHOTOCOPY OF THE RECRUITMENT RULE, 2002 (GROUP D POSTS) DEPARTMENT OF POSTS AS PER NOTIFICATION NO. DATED 23.1.2002.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.
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O.P. NO.23876 OF 2002
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Dated this the 24th day of May, 2007

J U D G M E N T

Radhakrishnan, J.

We do not like to upset the appointments already effected on the basis of the direction of the Tribunal. We make it clear that the principle laid down by the Tribunal will be confined to the parties to OA 130/2002. Further we notice that statutory rules have already been framed and further recruitments will be governed by the statutory rules.

Original Petition is disposed of with the above observation.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp